

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS LUNDBERG,)	
)	
Petitioner,)	Civil Action No. 07-258 Erie
)	
v.)	
)	
ATTORNEY GENERAL, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on September 25, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [48], filed on March 17, 2010, recommends that the Petition for Writ of Habeas Corpus be dismissed with prejudice and a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Albion, where he is incarcerated. Petitioner has filed no objections to the Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 12th day of April, 2010;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED with prejudice. Inasmuch as jurists of reason would not find it debatable whether the Petition for Writ of Habeas Corpus was filed within the one-year limitations period provided for under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), 28 U.S.C. § 2244(d), IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter, filed on March 17, 2010 [48], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge